

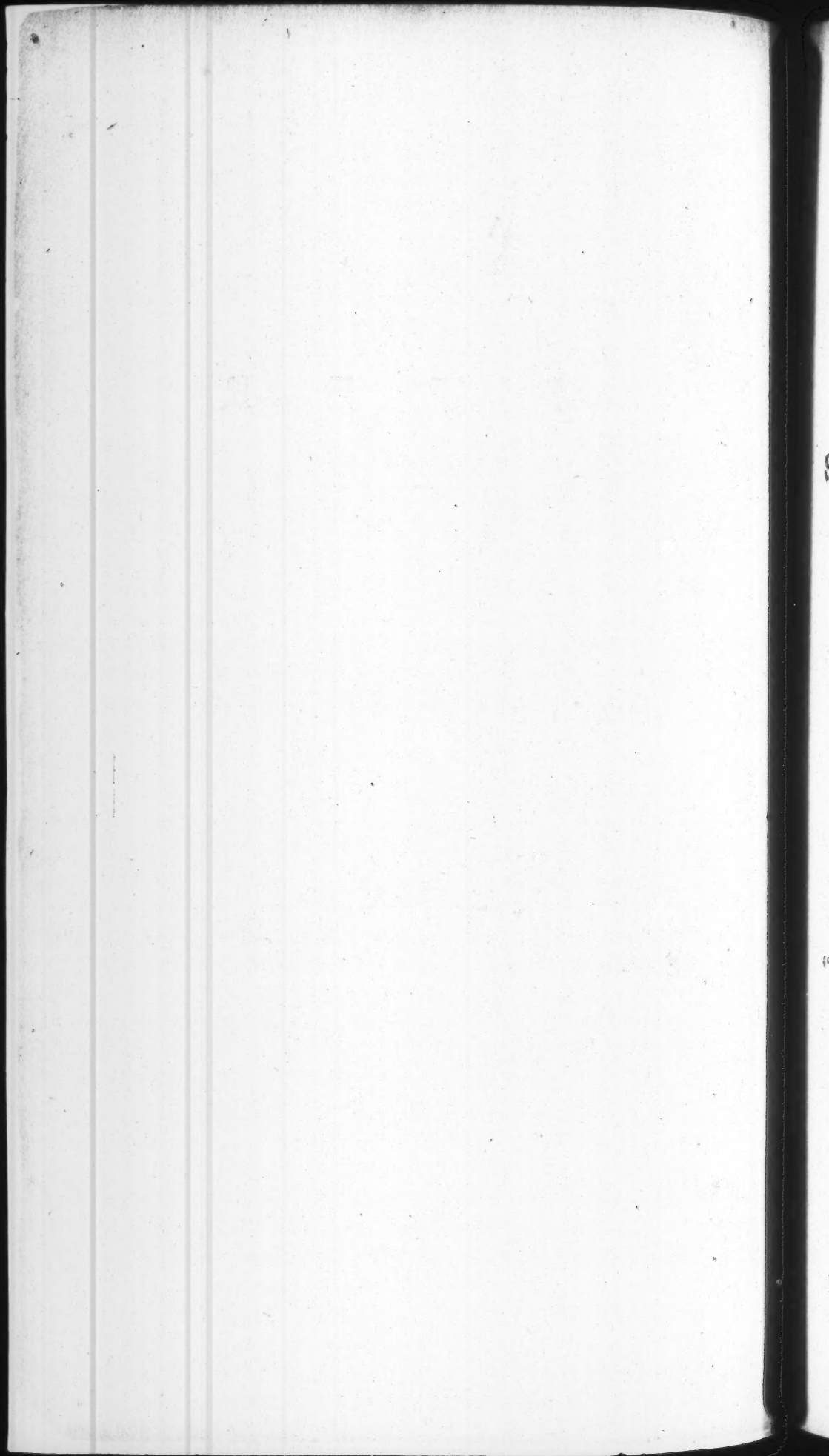
A

L E T T E R

T O

Sir WILLIAM MEREDITH, Bart.

[Price One Shilling and Sixpence.]



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A
L E T T E R
T O
Sir WILLIAM MEREDITH, Bart.
I N
A N S W E R
TO HIS *LATE* LETTER TO THE
E A R L O F C H A T H A M.

"How execrable then is the barbarous impiety of *those men*,
who have torn their country to pieces, *by all sorts of villainy*,
and who not only have been, but are, *at this instant*, con-
spiring its ruin, and destruction!

CICERO.

L O N D O N :

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M.DCC.LXXIV.



S I R,

YOU begin your letter by admitting with the rest of the world that his majesty's arms, directed by the genius, and animated by the vigour of lord Chatham's councils, added Canada to the British empire. You then observe, *that it too often happens that national wisdom sleeps whilst the spirit of conquest is awake.* The Macedonians, the Romans, in their latter days, the French in theirs, the Austrians, the Russians and Prussians all strengthen and confirm your observation, their conquests only carrying slavery abroad, and establishing it at home. But as your own position implies that national wisdom is not always asleep, while the spirit of conquest is awake, you must

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allow

allow me in opposition, to look upon the æra of lord Chatham's administration as a glorious illustration of it; the conquests then made having a tendency to encrease and perpetuate the trade of this country, and in consequence encrease and perpetuate its liberties; for as fresh marts open to us, we must have fresh hands to supply them, till at last we should see manufacturing towns rising out of the most desert parts of our country; thus the nation increasing in trade would increase in property, and people; many of whom becoming freeholders and freemen, would increase that grand creative foundation of the state, which gives existence to all other orders, from the petty constable to the king's majesty; the increase of freeholders and freemen, naturally causing an increase of representatives, the foundation would be widened; the great pillars multiplied and strengthened by their numbers, the weight of the *superstructure* would be as a feather; the fall of which, or substitution of another, would hardly be perceived: whereas its weight at present is hardly to be borne.

That those assertions are not chimerical, the history of this country, from Henry the 7th to the present moment, will evince. And as to any external injury, what power short of omnipotence could effect it? as Great Britain and Ireland united and assimilated by an equitable and fair union, under the

the circumstances I have mentioned, could support seventeen millions of free-born subjects, disdaining every controul but that of laws made by themselves. If to this we add an union with our colonies, which, though it could not be formed as close as that with Ireland, yet it may be accomplished in such manner as to continue for some generations, and then, leave such a remembrance of reciprocal affection and good offices, as could hardly be erased, till in the great abyss of time the remembrance and the remembrancers shall share the common and natural fate of being no more.

You insinuate that had lord Chatham reflected on the necessity of a civil establishment, Canada, a country differing from ours in religion, laws, habits and customs, he would not have given it the preference to Martinique, Guardeloup, and the other rich islands restored to the French and Spaniards in the West-Indies. But had you reflected that the same difficulty must have occurred to his lordship in the settlement of these, as in the settlement of Canada; their religion, their laws, and customs being equally dissimilar to ours; you would not have exposed yourself by an observation for which a school-boy should have been hooted at. Jamaica was formerly a Spanish island under the same predicament with Canada; Jamaica

is now an English island, inhabited by English men, and governed by English laws, with a free English legislature.

I must take the liberty to set you right in another particular, which is, that we had not conquered the Havanna, or even been at war with Spain, when the French minister was treating with lord Chatham; consequently his lordship could have had no choice with respect to it. But this is one of the many of your little insinuations, in order to vilify the reputation of that great man. However, as those who know the human heart, consider the malevolent part of the creation as objects of pity, as well as detestation, I who am apt to commiserate distress, though the devil should be the suffering object, would advise you, and the rest of the *king's friends*, no longer to look upon the earl of Chatham as an object of hatred, because you cannot injure him; for, who will believe that his wisdom and virtue are not perfect, who raised this country from the most abject state of despondency, to the highest pinnacle of glory; who found her trampled upon by an insolent foe, and in her turn, made her trample upon that foe; who found her fleets and armies beaten and flying before the enemy, made those fleets and armies rout and destroy that enemy; who found her islands torn from her very bosom, and that very
bosom

bosom seemingly devoted to destruction;--her credit almost annihilated; yet, such was the Godlike power of that man's virtue, that almost instantaneously out of this ruin of an once formidable empire, he raised and created a fabric at once the dread and wonder of the world.

Whether lord Chatham did, or did not propose to the crown a civil government for Canada, I who have not the honour of knowing, or being known by his lordship, will not take upon me to say; but this I can safely presume to assert, that it is not to be believed without manifest absurdity, that the virtue which effected such mighty works could either from "*inaccuracy of head, inattention of mind, or incorrectness of judgment,*" have omitted an object of this magnitude; we must, therefore, trace this seeming neglect to its proper and diabolical source; the SECRET INFLUENCE which listens to no councils but such as are bloody, cruel, and subversive of the rights of this free country and its free colonies.

You wilfully impose on the public when you say, *lord Chatham returned a second time to power.* His lordship returned, indeed, into the ministry, but not into power; for, finding that nothing could be done for his country, every thing being governed and directed by a secret and pernicious influence, he resigned; and, as a peer of the realm

realm, in his place, reprobated a bill which I will prove to be what his lordship described it, "atrocious, shallow, and inept;" that popery is established, the protestant churches devoted, and the veil of the temple rent asunder, that the king's ministers might as well begin to pull down all the protestant steeples, and that they have at length thrown off the masque, and opened their plan of despotism.

You say, *this plan of despotism is the substitution of an act of parliament, in lieu of a government by proclamation.* You have here said the thing you did not mean; your irony, like "Shakespeare's vaulting ambition, o'erleaping itself, falls on t'other side." But as I am not ignorant that any thing less evident than indisputable facts will make a proselyte of a genius of your species, I will take a clause of the bill, which, in the upper house, was modestly attempted to be supported, in immediate opposition to the greatest statesman and orator this world ever produced.

The fourth enacting clause, after kindly and humanely leaving the poor Canadians in the possession of all the *rights* they had in a state of slavery, says, "that in all matters of controversy, relative to property and civil rights, resort shall be had to the law of Canada, as the rule to decide by; and that all causes which shall hereafter be introduced

"tuted in any courts of justice, to be appointed
 "by his majesty, his heirs, &c. shall, with respect
 "to such property and rights, be determined
 "agreeably to the said laws and customs, until
 "they shall be varied or altered by any ordinances
 "that shall, from time to time, be passed by the
 "governor, lieutenant-governor, or commander
 "in chief for the time being, by and with the ad-
 "vice and consent of the legislative council to be
 "appointed in manner hereafter mentioned." Now
 if I can shew this legislative council to be the mere
 creature and trumpet of the crown, slender as my
 abilities are, I think I shall have made some pro-
 gress toward establishing the propriety of the first
 epithet bestowed on this act, by lord Chatham, —
 "that it is ATROCIOUS."

The act empowers his majesty, his heirs and suc-
 cessors, by warrant under his or their signet or
 sign manual, and with the advice of the privy-
 council, to constitute a council for the affairs of
 Quebec, to consist of such persons, resident there,
 not exceeding twenty-three, or less than seventeen,
 "as his majesty, his heirs, and successors, shall be
 "pleased to appoint;" and upon the death, remo-
 val, or absence of any of the members of the said
 council, *in like manner*, to constitute and appoint
 such and so many other person or persons as shall
 be necessary to supply the vacancy or vacancies;
 which

which council, so appointed and nominated, or the major part thereof, shall have power and authority to make ordinances for the peace, welfare, and good government of the said province, with the consent of the governor, or, in his absence, the lieutenant-governor, or commander in chief, for the time being.

Two things are here worthy of observation, which are, that the king is to erect this legislative council, with the advice of his privy-council; but the nomination of the members (under a vague limitation of numbers and description of residence) are left entirely to himself. As also, in case of death, removal, or absence, in like manner, *ex mere motu*, shall constitute and appoint such and so many other person or persons in their room. But for fear nine creatures of the crown, being the majority of seventeen members, should be too numerous for the most powerful prince in the world to practice upon, the house of commons, with a ready venality, willing to omit no opportunity of smoothening the way to their adopted objects, Popery, (as far as it will serve the purposes of this pious reign,) Slavery and Arbitrary rule, inserted a clause, which reduces the majority to five; for it says, that no ordinance shall be passed, at any meeting of the council, “where
“ less than a majority of the whole council is pre-
“ sent.”

“ sent.” Now if the whole council should be seventeen, the majority will be nine; and as this majority of nine is declared sufficient to constitute a council for making ordinances, a majority then of this majority will be competent to all legislative purposes; and as five will be a majority, consequently five may be the ordaining number. This is a legislature with a vengeance; and yet, with all those badges of Slavery about it, it will appear free as the winds of heaven, when compared with its finished state; the devil himself not being able to devise more infernal clauses and provisions than are enacted, to render what is called a legislative council the executive engine of whatever diabolical schemes the *worst* of princes may conceive.

What those clauses and provisions are, the religious part of the bill will inform us. It commences like Nero's reign, most liberally and speciously; asserting, “ that for the more perfect security and ease of the minds of the inhabitants of the said province, it is hereby declared, that his majesty's subjects, professing the religion of the church of Rome, may have, hold, and enjoy the free exercise of the religion of the church of Rome, subject to the King's Supremacy, made in the first of queen Elizabeth, over all the dominions and countries which then did, or thereafter should belong to the Imperial crown

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“ of

“ of this realm ; and that the clergy of the said
 “ church may hold, receive, and enjoy their ac-
 “ customed dues and rights, with respect to such
 “ persons only as shall profess the said religion.”

Now I must ask you, what is the religion that is established by this bill ? for it is not the Protestant ; because all the ceremonies of the Romish church are retained, with all her doctrines, except that which specifically constitutes her such, the Pope's Supremacy. It is not the Romish, because the king is declared its Supreme Head. It is not the Quakers, the mild precepts of their religion would ill suit the bloody purposes of this bill. It is not the Gentoo, the Mahometan, or the Bonzes. It is not the religion of Moses, or surely of the Merciful Jesus ; for I have searched all the law, and all the prophets ; the four Evangelists, the Acts of the Apostles, &c. &c. and no where find it. If then it is not the child either of the Old, or the New Testament, it is not the child of God ; And if not of God, there being but another power, that has any concern in this world, it must be of *him* ; from whom nothing more like himself could proceed.

The English *protestant* bishops, by discharging as well the offices of midwives, nurses and guardians, as in their spiritual capacities, giving their Holy Benediction to this Imp, have afforded an illustrious example

ample of gratitude to the progressive Apostolical Chain. But here I would advise those right and most reverend fathers *in God* to stop; because, should that once be conceived, which is shrewdly suspected, that the union between them, and this Little Gentleman's Father, is too close: a search may be made after their apostolical title-deeds, which being not be found, their *Holy Lordships* may be left *sur le pavée*. However, in justice to our right reverend fathers, I am apt to believe, that had they once thought of the duties which, in the presence of the Almighty they vowed to perform; or the curses denounced against those who stray from the commandments of God; they never, by their votes, or omitting to vote against, would have given their sanction to this bill, it being abominable in the face of the Lord, and immediately under his heavy wrath. First, as it obliges the people to pay priests to preach up idolatry and image-worship, contrary to the third and fourth commandment; as also the denunciations in Deuteronomy, which say, "Curled is the man that maketh any carved or molten image, an abomination unto the Lord, the work of the hands of the Craftsman, and putteth it in a secret place," 27. 15. Secondly, in effect, it unhinges and subverts all right of private property, thereby falling under the 17. 27. Deut. "Curled

“ is he that removeth his neighbour's land-mark.” Thirdly, it pays priests to teach false doctrines, whereas the word of God says, “Curfed is he that
 “ perverteth the judgement of the stranger, the
 “ fatherless, and the widows. 19.”

Now I will return to shew those clauses and provisions, which are operative in rivetting a system of slavery so bloody in its aspect, as none but the most *pious* and *best* of princes could have conceived. Old Suetonius says of Nero, *elatus inflatusque tantis velut successibus, negavit quemquam principum scisse quid sibi liceret.* But with what greater propriety this saying would come from the mouth of George III. the further investigation of this bill will evince.

That famous clause which unites the triple, to the imperial crown of England, by subjecting the Romish church to the king's supremacy, has a most magical effect; by instantaneously converting our protestant king into a Canadian pope; and the Romish religion into what — I have often heard it said, that an act of parliament could do any thing; I had my doubts, but now they are no more.

I have already mentioned that the supremacy of the pope, *now in, or near Rome*, is so essential a dogma in the Romish church, that it is the very *sine qua non* of the whole religion; therefore if

you

you thrust even our pious George between his holiness and the apostles, you break through the chain of succession, and tumble the whole fabric to the ground; from whence it necessarily follows, that so long, and no longer than the king of England pockets his supremacy, the Canadians will enjoy their religion. But the instant they grow retrograde by refusing their money to bribe our representatives; or themselves to cut poor Englishmen's throats on this, as well as the other side of the Atlantic, should they not quietly submit to slavery; out will pop his new holiness with bulls, interdicts, excommunications, and anathemas, together with the whole park of spiritual artillery. But what is still more dreadful from the kingly capacity, new prayers, &c. &c. &c. for the act of uniformity (the 1st of Eliz. not being repealed by this bill) may be enforced all over that country; under penalty to the clergys first offence the loss of one year's revenue and six months imprisonment; second offence deprivation; to the laity one shilling for each and every offence. Thus the souls and bodies (the Habeas Corpus being withheld, and letters de cachet in force) of the wretched Canadians being at the disposal of the crown, what can it not do? the idea is of that monstrous magnitude as frights the imagination; then where shall we find an epithet expressive of its hideous enormity?

enormity? *atrocious*, though the most applicable of our language is inadequate from its comparative mildness; and to search foreign languages would be vain; words being but signs, must be subsequent to the things signified; and, as neither the *ante* or *post* deluvian world, till the present moment, have produced so mis-shapen a devil, they consequently cannot afford a sign. Away then with your *imperium legis*, and no longer insult free-born Englishmen with so foul an abortion.

You ask lord Chatham, whether it is necessary for you to explain to his lordship which is a state of liberty, and which of tyranny; and immediately follows an acknowledgement that he is conversant with the history and fate of nations; and knows that all those unhappy people, who have lost their liberties, have seen those liberties end precisely, where the government of will began. Now, as you knew the extent of his lordship's knowledge, don't you think the question you put idle, if not ridiculous.

I will agree with you that Canada has been in a more miserable state since, than before the conquest; and also that despotism, that great mother of all evils, was the cause of it: but who was the father of this despotism---the tops of the multi-form proclamations will inform? however, if the proclamation of October, 1763, promised to form
a go-

a government, *as near as might be*, agreeable to the laws of England, who would not prefer it, fulfilled and perpetuated, to such an *imperium legis* as the poor Canadians have gotten? the first would ensure perpetual freedom, the last, as far forth as it can, perpetual slavery. My lord Chatham's preference then was surely that which a lover of mankind must ever shew.

You say, that the parliament of Henry the eighth gave the king's proclamations the power of laws; has your favourite parliament done less, or more? the latter I will make appear. For that of Henry the eighth, by giving the proclamations the power of law, did by implication declare that no such power existed before. Whereas the parliament of George the third, by regularly reciting a proclamation, and annulling a part of it, because, (as it says) the provisions made by it were found upon experience to be inapplicable to the state and circumstances of the said province, &c. *Be it therefore further enacted that the said proclamation, so far as the same relates to the province of Quebec, the commissions, &c. &c. be annulled and made void from and after the first day of May, 1775.* Now, with what greater respect could it treat one of its own acts which it found necessary in part to repeal, than by reciting it, approving some part by repealing and annulling it in other parts, "*because*
" upon

“upon experience,” they were found inapplicable? not stopping here, it goes on to enact provisions which would be applicable. What is this but grafting an act of parliament upon a royal proclamation? a monster as hideous in civil, as the union of the triple and the imperial crowns are in religious polity. Another clause of your favourite *imperium legis* continues even the provisions it thinks inapplicable of the *imperium hominis* for one year longer; if all this is not giving to, and declaring the power of law in the king’s proclamations, I know not what words would affect it; and yet with all those glaring facts before you, you have found out “that the king’s ministers have let
 “go the very power which lord Chatham said they
 “grasped at;” then alluding to the insult offered the king as he was going to pass this bill, you say,
 “the time was most unseasonable, when his majesty
 “was going to give his assent, &c. to relinquish that
 “very power, which conquest had put into his
 “hands.” This is so very novel a doctrine, that I believe it is not to be traced beyond your curious pamphlet; pray where did you find that the conquests and acquirements of England were not the property of England, but of England’s creature? if you employ an agent to carry on a suit, all the materials for which you supply him with, and he should be successful, would you not think him a
 fool

fool or a knave, who should endeavour to convince you, that the fruits of your agent's success was not your's, but his property? did not Jamaica, Minorca, or Gibraltar, once occur to you? or did you dream that Canada was purchased out of the savings of the civil list, which are exhausted in the purchase of you, and the rest of the *king's friends*? or, that it was bought out of the miserable *rest* of Hanoverian revenues?

In the 10th page, you seem to triumph in an appeal to lord Chatham's knowledge, and the knowledge of every man, whether a trial, by jury, is necessary, wherever our merchants export their manufactories; and proceed to say, in all our great foreign markets, there are no juries; in America there are juries; but if you will ask the merchant, whether he expects a sure payment from Hamburg, &c. or from Boston, *I do not believe he will answer for the Bostonians*. Your zeal against juries, I fear, has hurried you into an appeal which will rather reflect upon your knowledge. Ask the Lisbon merchants what injustice, oppression, and rapine they daily experience from magistrates, revenue officers, and trades-people? ask the traders to Spain what they have suffered with respect to the coin; in short, ask the whole body of merchants what they feel upon the apprehensions of a war? all which would be, in a great measure, prevent-

ed if there were juries, as must appear by looking at home, where the person and properties of foreigners, under the guard of an English jury, are so sacred, that they never send consuls to our great trading towns; whereas we constantly do to theirs, as a protection for our merchants and their properties: and even this appointment is not as effective as we could wish; why was a judge conservator to be appointed by treaty to guard the persons and properties of Englishmen? with respect to the question you so insultingly put, relative to Boston and Hamburgh, it is so peurile, as hardly to merit an answer; however it shall not be passed unnoticed.

The people of Boston look upon themselves as devoted to slavery, through the arbitrary, unconstitutional measures which have been adopted by the king's ministers, and the legislature; and this opinion they are not singular in; every colony upon the vast continent of America, as well as the greatest part of England, holding the same; as also, that it is to be extended northward, and southward, from Hudsons, to the Mexican bay. If then the people of Boston should conceive, that by detaining the property of our merchants for a time, and cause specified, it would stimulate those merchants to assist them in averting this slavery; how should this light upon or effect juries? if, indeed,

deed, they were in a quiet, settled state, as Hamburg is in, (but I believe will not long continue) and that the merchants of England could not recover their debts, your objection against juries would then have some weight; but even then, it would only lie against those of Boston; and no more determine against their general utility, than a particular man, being a murderer, determines that mankind in general are murderers.

You say, the praises of juries are written in your heart, and yet are moving heaven and earth to discredit them. But this is the candour of our pious court. Your 11th, 12th, 13th, and 14th pages are taken up in relating what an English jury is; and shewing, how impossible it is to have one so qualified in Canada, from the want of numbers. But this objection you seem to fear may be obviated, *"there being above an hundred thousand Canadians qualified to serve; why not then take your juries from them?"* I know of no reason why you should not; though I could assign many why you should. But you are of another way of thinking; why? because, as you say, addressing yourself to lord Chatham, *"your lordship will hardly trust the property of your countrymen to a jury of Canadians only."* Without noticing the exceeding weakness and absurdity of this mode of writing, for reasoning it is not, I would ask you, how you

came to presume, that lord Chatham would not entrust the property of his countryman to a jury, legally constituted of Canadians, in preference to an arbitrary judge of a quadruple-headed monster? is it because his lordship pronounced the bill *atrocious, shallow, and inept*? or, because he said, it broke the national faith, by not granting the promised securities of assemblies and juries? or, for what other such *rational* cause you formed that presumption? thus having, contrary to the fact, supposed my lord Chatham averse to a jury of Canadians; you pass that wise mode by; and propose two others too ridiculous for me to mention, in order to shew the impossibility of juries in Canada.

You say, the “ *civil law of France, and the trial by jury, in England, are so dissonant, that the forms of the one, can never be blended with the proceedings of the other:*” sure you cannot be serious, or being so, must be strangely ignorant of the subject you have written upon; else you could never thus confound two things so distinct as law, and the trial of law.

That the French rules of tenures, alienations, dowers, and inheritances are different from the English, we will admit, though not in that extensive sense you would have us imagine, but suppose they were as opposite as day and night, if
their

their rule or law should be laid down before a jury of twelve men, why should they not be as competent to determine it as one man ; more particularly, when they are to be assisted with that man's knowledge. Has not your reading informed you of the mighty changes our laws have undergone, more particularly, under William the 1st, Edward the 1st, and Henry the 7th ? and have not juries been competent under those various changes ? was not the whole mass of English statutes, by the 10th of Henry the 7th, translated into Ireland, and Irish juries found competent to try under them ? and can any man in his senses suppose, that it was not, at least, as difficult for an Irish jury to try and determine, under English laws, as for a Canadian jury, to try and determine, under their own laws of tenures, alienations, dowers, inheritances, &c. Wherefore, I would now ask you, whether they are not an additional security to the subject against the interposition of the crown, as well as against the corruption of the judge ? for, unless the crown, or governour and judges, in Canada, are more immaculate than they have been in this country, every man's reading and *experience* will dictate the absolute necessity of such security.

In all trials, between Englishmen and Canadians, let the jury be half of one, and half of the other ; and in case they should not agree, but divide

vide equally, they may recur to a mode nearly similar to what was once practised in this country, with this exception, that I would have those who are for the defendant put off, and six English and six Canadians added till a verdict of twelve men was procured; but if the division should not be equal, let the majority determine it. — I put it in favour of the plaintiff, because, in civil suits, they are generally the poorest, weakest, and aggrieved party. But with respect to suits between Canadians, let Canadian juries determine them; and between English, English juries; though, for the more speedy assimilation of the two people, I should think it more eligible, in the latter cases, to have the juries from the general return.

And as an immediate substitution of the English and foreign language, in their courts of justice, would cause great confusion, delay, and loss; without one benefit to the conquering state, it would be as unnecessary, as cruel to impose it: though it was twice done in this country; once by the Saxons, and again by the Normans. However, I think it material that they should adopt our language, as soon as possible, in order to render our union the stricter, and firmer: and for this end, would have an act passed, allowing them ten years further usage of the French tongue; and, at the expiration of that period, to cease in their courts of justice,
and

and the English substituted in its place. This would be allowing them all the time they could reasonably wish for; and make the rising generation look upon themselves as Englishmen. A policy in part similar, but not so lenient as this, was looked upon as the wisest step that wise prince Edward the 1st took, upon his conquest of Wales; and by the same means endeavoured to bring about an union with Scotland.---But, why do I mention this here? having dreamed that the policy of our pious court was to create disunion, and distrust, not only between England, and her dependencies; but between family, and family, till every TIE national, social, and human, being dissolved, we are individually left to be plundered, and butchered, by a pious, hypocritical tyrant of our own creation.

Page 18, you say, "*in the course of all the evidence that has been laid before the public, we find that the Canadians have expressed one constant uniform wish to be governed by their own laws, and the English, as fervently, desired to be governed by the laws of England.*" If you will look into the testimony, delivered at the bar of the house, you will find that the Canadians wished for our criminal laws, with the trial by jury in criminal matters; and, as the minister refused the papers and reports, upon the state of Canada, which were called for by several members of the house,

or to examine witnesses who might have supplied the want of those papers; every experienced person must see, in this refusal, a concealment of evidence favourable to assemblies and juries in all cases; and also in his refusing the examination of general Murray, who, from his long residence at Quebec, and perfect knowledge of the state of Canada, could have given the house great information; else why was Dr. Marriot, before whom all the papers relative to the state of Canada were laid for his report and opinion, which were given to the crown? why, I say, was not only this learned gentleman's report and opinion kept back, but he himself precluded from giving the house any information, when called to their bar? why was he suffered to turn the solemn examination of the commons of England into contempt and ridicule? would it not have been more decent to have negatived the motion for calling him to the bar, than suffer him to be called merely to shew the house that, as they were before insulted without, so they should now be insulted within? do you think that the fabricated, and ridiculous testimony against juries, in civil matters, will have any other effect, than to shew the practice of the ministry in the concealment of the truth? or that, that vain contemptible testimony, given by one of the noblesse, which went to shew, that his danc-

ing

ing corps would look upon themselves as degraded to a level with honest men, if juries were instituted in civil cases? or that other, as important objection, that the inhabitants of Quebec could not see, how a juror (not knowing that there were to be twelve) upon his oath was more likely to be an honest man than a judge upon his oath? do you think we can believe, that a whole body of people would adopt such objections as those; or, if they did, should their levity, and ignorance, meet other treatment than is shewed to children? but what would you say if the reverse of this is the fact? and that it is, the petition of the Canadians to the king will convince every person who can read: as in it they express their gratitude for his majesty's kindness, in granting them the privilege of juries, in civil, as well as criminal matters; but, at the same time, testify their sorrow at their being given to understand, that it will exclude them from all offices civil, as well as military; wherefore, they humbly pray, that his majesty will be pleased to permit them to participate with his ancient subjects in the rights and privileges of English citizens. This is the substance of that part of their petition which relates to juries and English liberties. However, lest you should think that I changed the words, and thereby altered the sense, I will transcribe, *verbatim*, that

part which relates to juries, and the rights of English citizens. It is addressed

To the King's Most Excellent Majesty.

The petition of your majesty's most dutiful and loving subjects, the lords of fiefs, landed proprietors, citizens, merchants, and traders, inhabitants of the district of Quebec, in the province of Quebec, in North America.

“ Your majesty hath been pleased, during this
 “ time, to grant them the *privilege* of sitting upon
 “ juries, not only in all civil, but also in all criminal cases; *but at the same time they were given*
 “ *to understand, that they were obstacles* to being in
 “ any employs, whether *civil* or *military*; they
 “ were, and are, startled at the idea of such an
 “ exclusion. Your petitioners, who ardently wish
 “ to serve and to be useful to their country, flatter
 “ themselves, that your majesty will be pleased to
 “ permit them to participate with your ancient
 “ subjects, in the *rights* and *privileges* of *English*
 “ *citizens*. The irreproachable conduct which
 “ they have observed, since the conquest, and
 “ their submission to government, should be looked upon as faithful testimonies that they will
 “ never abuse your majesty's goodness. They
 “ shall

" shall ever retain the most respectful remem-
 " brance of them ; they will transmit them from
 " age to age, to their latest posterity ; they have
 " taken the most solemn oaths of allegiance to
 " your majesty, and the illustrious house of
 " Hanover, and have, in observance of the same,
 " since the conquest, ever behaved themselves as
 " faithful and loyal subjects. Their zeal and at-
 " tachment will make them ever expose their lives
 " for the glory of their sacred sovereign, for the
 " safety, defence and augmentation of the British
 " empire."

In another part they say, " may your ma-
 " jesty deign to extend your goodness equally
 " to all your subjects, without distinction, and to
 " maintain that glorious title of father and so-
 " vereign of a *free people*, would it not be an in-
 " fringement upon that title, if more than one
 " hundred thousand new subjects should find them-
 " selves excluded from serving your majesty, and
 " deprived of those inestimable blessings possessed
 " by your ancient subjects ? if their petition be
 " heard, their fears will be dissipated ; their mis-
 " fortunes have an end ; their days will pass in
 " serenity and ease ; they will be ever ready to
 " sacrifice them for the glory of their sovereign,
 " and the security of his empire, their new
 " country."

Is this the language of slaves, desiring arbitrary laws, or that of subjects, claiming the rights and privileges of English citizens? can any thing be more pointed than their prayers for those great objects? if then those rights and privileges are a permanent security in property, person and religion; with a parliament, or assembly of their own choosing, together with juries, in civil, as well as criminal cases, and an eligibility to all offices; it is evident that the Canadians have desired all and every of these privileges.---Has this prayer of their petition been made the object of that bill which the *king's friends* would have us believe it is grounded upon? no; for *it has not left them a right under Heaven.* It has, indeed, granted them one privilege; the trial by jury, in criminal matters; and substituted our criminal laws, in the place of the French; but this only during the king's pleasure, as must appear by the following clause, "*subject nevertheless to such alteration and amendments, as the governor, lieutenant-governor, or commander in chief, for the time being, by and with the advice and consent of the legislative council of the said province, shall, from time to time, cause to be made therein.*" This, in the language of the vulgar, "is like a cow's giving a pail of milk, and then kicking it down with her heels."

In the Canadians petition, there is a particular part, which peculiarly claims our attention; as it will go far in manifesting the bounty and candour of our pious king.—It is, where the petitioners say, that “with his majesty’s grant of “juries they were given to understand, that it “would render them incapable of all offices civil “and military.” As our constitution knows no such preclusion, was not this tantamount to saying, if you will petition against this privilege, you shall not only be eligible to offices civil and military, but actually appointed? However, the *best of princes* was not petitioned. The scheme, indeed, against other parts of our unfashionable common law had better success; for the first judges were sent over so totally ignorant of both law and gospel, that, instead of carrying a wholesome, conciliating rule for quieting the minds and possessions of people, they, in the language of the scripture, carried a sword with which they cut down all the ancient fences and bounds, unhinged their tenures, and thus forced the miserable inhabitants to pray that their old laws, respecting civil matters, should be restored: but as you see, by this petition, to be tried by a jury. From all which, it is evident, that the wishes and prayers of the Canadians were for a full enjoyment of the rights and privileges of free-born Englishmen. And as there

was

was another petition presented to his majesty, in the name of the British freeholders, merchants, traders, &c. (*allured* to Quebec by the king's word) claiming the performance of the royal promise, in the proclamation of October 1763, of calling an assembly to secure their rights and properties; we see all the people of all the religions unite, in supplicating their sovereign for *liberty*. Was it granted?—it is said, that Vitellius, under the most specious and kind promises, invited his school-fellows to his court, all of whom he butchered, *etiam unum Veneno manu sua porrecta in aquæ frigida potione, quam is affectus febre poposcerat.* Suetonius IX.

The 19th page you begin with observing, that there can be no rule for the composing of laws, “but the sentiments and inclinations of those who are to be governed by them.” With respect to independent states, you are right; because their sentiments and inclinations form the general will or good. But with respect to a dependent or conquered state, you are wrong; because their sentiments and inclinations do not form the general will or good; but a partial one, which may be injurious to, if not subversive of, the superior or conquering state. What then is to be the rule? *quos ultra, citraque nequit consistere rectum*—the good of the whole, conquered and conquering. Has this been

been pursued? no; because the Quebec bill has founded the Canadian state on a principle, not only dissimilar to, but subversive of, that grand generous basis, the *salus populi*, which has thrown up all the different orders of our state *only* to extend, protect, and perpetuate *itself*. Wherefore, all their operations are to have a tendency to those great objects, even those of the royal prerogative; and, accordingly, we see all power reverts to the people on every general election, in order to submit to that grand tribunal, as well what has been done, as the propriety of a new creation. Whereas the Quebec bill founds the state of Canada upon the king's will; because that will creates the legislative body, and may annihilate it, and create *ad infinitum*.

With respect to this measure, and with reverence I ask; can *omnipotence do more*? is not this the very power by which the people of this country have made, and unmade kings, parliaments, offices, civil and military, down to the petty constable and lance corporal? is it not from this power that Druidism has been changed for popery; popery, for Harry the eighth's religion; and Harry the eighth's for protestantism; and protestantism for popery; and this, in its turn, for the religion of the church of England? in short, what is it, that it cannot, or will not do? if then this legislative creating power has had such strange, and wonderful effects

in

in this country ; and as great, and many in every other *civilized* state ; why are we to suppose it will sleep in Canada ? here the merits of the right reverend fathers in God, the English lords bishops, should not be forgotten ; who, in all those various, some idolatrous changes have been foremost in bowing the knee to Baal.

In the same page, you say, that “ that portion
“ of liberty which each man is willing to give up
“ for the convenience, safety, and protection of
“ individuals, of families, of societies, and of
“ states, is the first principle of law.”---So far from it, that it is neither a principle of law, or of common sense ; wherefore I fear you have travelled out of your road, and are so bewildered, that it will be but kind to set you right ; for which end we must reverse your proposition, and say, that the convenience, safety, and protection of individuals, of families, of societies, and of states, for which each man has given a portion of liberty, are the first principles of law. This is common sense, and what is more, it is the fact ; though a pious tyrant, a perjured, idolatrous bench of bishops, a despicable house of lords, and a prostituted house of commons, should, with swords at our throats, tell us otherwise.†

As

† When I speak of the House of Lords, or Commons, I would be understood to mean the *court majority*, or *slaves*.

As to Grotius, Solon, and Moses, they are all traitors to your cause; you were therefore imprudent in not considering their principles, before you had ranged them on your side.

"The Canadians preferring a worse law to a better," you say, "should be decisive upon the conduct of Great Britain." Here again your political genius seems to fail you; for that worse choice may be the ruin of Great Britain; and sure you cannot conceive that poor old England is obliged to sign her own death warrant, to humour the caprice of a wanton, she purchased with great expence of blood and treasure.

The author of the letter to lord Chatham, speaking of the Canadians, says, "they yielded themselves to our protection and our faith, how then can we deprive them of the first rights of human nature?" George the third and his ministers will resolve him this, — as to the assertion I have many things to say: the first of which is, that it is very pretty; but like many other pretty things which you and I have seen in the neighbourhood of Drury-Lane, very unsound; secondly, that the Canadians did not yield to our protection and our faith, for they disclaimed both, and yielded to our cannon and the bravery of our troops. When I tell you I have been bred a soldier, you will excuse this last intrusion.

F

You

You seem surprized at lord Chatham's saying, that no true protestant could support this bill; and in answer you say, "no true protestant, my lord, can be no persecutor, no true protestant can harbour any such idea as that of establishing religion by force: is the Spaniard in Mexico to be an example for a protestant legislator?" My lord Chatham, I dare presume, and every true protestant would answer no; charity being the foundation of their holy religion. And where would be the charity, in the first instance, in giving support to a bill which deprived the miserable inhabitants of a right, founded on a compact between them, and the people of England, to the free enjoyment of their religion; and placed this right in the breast of the crown, whereby the very souls of the people are enchained? For should a king govern these realms, who with the collected hypocrisy of all the scribes, and all the pharisees enveloping the heart of a Nero, should, I say, the lord in his wrath think such a solemn monster a ruler; what bloody purposes may he not turn those Canadians to, should they unhappily conceive the retention of their worship the first object. And that they do, no man can doubt; who knows it to be an established dogma of their church, that there is no salvation out of her pale. Consequently the question will be with a Canadian, shall I be damned

by forsaking and giving up the religion of my forefathers, which ensures me eternal happiness? or shall I preserve it by obeying the will of my lawful sovereign; whose motives, I, who am at such a distance, and not of his council, cannot divine, but should presume to be good: else the legislative body of a free people, would never by their most solemn act, (*sanctified by the acquiescence of its constituents*) have made that will the governing principle of this country? I then in my turn ask you, what true protestant, or even what true papist, or what any body; save those who did it, could support such a bill? wherefore I may be allowed to suppose what *I know* to be impossible, which is, that the king should instantly arm the Canadians, march them down to assist in enslaving, or cutting the throats of our protestant brethren along the coast of America; that done, bring them over here for the same righteous purpose; should we have any just cause of complaint? *no*, we imposed the necessity, the Canadians might therefore say, we are extremely sorry that we are driven to the fatal alternative, either of changing that religion we prize above our lives, or executing the orders of our sovereign: we cannot do the first, without incurring eternal damnation; we cannot do the last, without either rendering you fellow slaves, or cutting your throats; for all which you must blame

yourselves: having permitted your legislature to break through the solemn national compact made between you, and us, at the time of our surrender, by which we were to be secured in the free enjoyment of our religion, which compact you should either have observed, or put us in the state we were in prior to the capitulation. If then you did not do the latter, justice required you should the former; which would effectually have secured us against the old popery laws, &c. as your latter act with respect to us in Canada would have been tantamount to their formal repeal: whereas now, we are laid open to the 25th of Harry the eighth, the worst part of the 1st of Elizabeth, and the act of uniformity, primo Elizabeth; and in consequence of the former, the statutes of provisions and premunire, of the 25th of Edward the third, and the 16th of Richard the second.

I have mentioned those statutes to shew how impossible it will be for the Canadians to retain their religion, unless they should be the mere passive involuntary engines of the crown, moved by the absolute will of the sovereign. And if any are so ignorant as to suppose that they will sacrifice their religion at the shrine of humanity, let them look into the massacre of Paris, the Irish massacre,† the
fire

† Abetted by that *pious* and Holy Martyr, Charles the 1st, as appears by his commission, under the Great Seal of Scotland,

fire of London, the gun-powder plot, the burnings at Smithfield, the execution at Thorn, the inquisition, the impolitic as well as inhuman repeal of the edict of Nantz, the Ravaliacs, &c. &c. &c. frightful monuments of human bigotry, which nothing but necessity could make me mention: being convinced that the good sense, moderation, and humanity of the present Roman Catholics of Europe are abhorrent to such bloody sacrifices. But this cannot be said for their brethren on the other side of the Atlantic, their religion not being yet arrived at its vigour, whereas here it is in its wain; there they are precluded from all liberal information, here they are enlightened with it; there they construe according to the letter which our Saviour says killeth, here they take the spirit; in short, they have no rule whereby to separate the bloody tenets imposed by councils and popes, from the mild precepts of the merciful Jesus. If then the Roman Catholics of Canada are as zealously orthodox as those of the 15th and 16th centuries, and that many of the above black deeds were done

pro

land, by the letter of Charles the 2d, in favour of the Marquis of Antrim—by the stoppage of the succours that the parliament sent to reduce Ireland, six months under the walls of Chester,—by his entering into a treaty with the rebels, after he had engaged his faith to the parliament to the contrary, and bringing over many thousands of them to fight against the people.

pro salute animæ of the suffering parties; what are we not to suppose they *will* do for the salvation of their own souls? and if to all this you will add the king's unlimited power in Canada, as already demonstrated from the Quebec bill, and then suppose the royal will, will not be executed, at least, whilst they think themselves unable to resist it, would be folly in the extreme.

In the last part of the 23d, and first of the 24th page, speaking of the stipulation made by the Canadians for the free exercise of their religion, you observe, "that lord Chatham, when it was made, never found fault with Sir Jeffery Amherst, for agreeing to this part of it, or in his lordship's display of eloquence once blamed that part of the definitive treaty, but now is pleased to call the measure" (that is the capitulation) "atrocious, shallow, and inept. Because it has secured to the clergy their property," (which was refused by general Amherst) "and because it has substituted an oath of allegiance," (never mentioned in the capitulation) "instead of that of supremacy," (which the Canadians knew nothing of,) "required by the 1st of Elizabeth," (of which they were equally ignorant.) This paragraph is such a curious envelopement of ignorance, absurdity, and misrepresentation, that had I not observed upon particular parts as I transcribed it,

it, it would have been vain to have looked for a clue; and therefore must have condemned it in the lump, as inexplicable nonsense; which indeed would have made us feel for your head, but not for your heart; whereas now we must include both: seeing this mischievous blundering arose from a malevolent zeal of affixing the ideas of inconsistency and cruelty upon the most immaculate character this nation ever produced.

Your vain confidence of identifying two things as opposite as day and night, viz. the religious parts of the capitulation, and Quebec bill, has been the secondary cause of your exposure; wherefore, to prevent your falling into a similar error, I will set before you the article relative to the Canadian clergy and religion.

By general Amherst's agreeing to the first part of the 27th article of capitulation, the Canadians should have had a stronger security for the free toleration of their religion, because founded on mutual compact, than the dissenters have in England, whose security is a simple act of parliament. Because the former being the joint act of the people of Canada, and the people of England, must in equity bind, till dissolved by mutual agreement; whereas the latter being the act of the legislature, the propriety, equity, and expediency of its continuance or discontinuance is in its own breast.

Herein

Herein then we see the wisdom and justice of that conduct of lord Chatham, which has been so liberally arraigned, as though he would either persecute the Canadians, or suffer them to exercise their religion under a dispensing power of the crown, page 29, 30 ; whereas he was for leaving their right upon a foundation, which nothing under heaven but injustice could have shaken.

The Canadians, by the second part of the 27th article, demand “ that the people shall be obliged “ by the English government to pay to the priests “ the tythes and all the taxes they were used “ to pay under the government of the most Christian King.” To which general Amherst answered, “ this must depend upon the king’s pleasure,” with which the Canadians were satisfied, though they must have looked upon this as a mild refusal. The definitive treaty does not make the least mention of this part of the article, or clergy, which consequently corroborates the idea of the general’s answer being a refusal ; and further, that there was to be no legal establishment for a Romish clergy ; but that the people were to be left as our dissenters are, to support them agreeably to their own ideas of generosity and propriety ; which was the mode practised in the first and purest age of the church, and which, I hope, the good sense of this nation will very soon see the necessity of recurring

recurring to; and thereby eradicate that damnable ambition in Ecclesiastics, which has so long been the curse of this country; as well by bringing a foul scandal upon our Holy Religion, as by sap-
 ing the constitution: our right reverend fathers and the rest of the dignified clergy, voting, and preaching indiscriminately, for every measure, whether dictated by the cruel LUST of a Henry the 8th, the Bloody Bigotry of a Popish Queen Mary, or by the *clearest principles of justice, and noblest sentiments of humanity* of George the III^d.

Now we will see what care has been taken of the protestant religion, which you say, page 25, is so far from being rooted out of Canada, by this bill, as has been asserted, "that the reverse is the truth; for no man, who is, or who may become a protestant, is to pay tythes, or any church dues, to the Romish establishment; but the money is still to be collected, in order to constitute a fund for the raising and supporting a protestant church in Canada." By whom collected? the Romish priests of every parish to pay the surplus to the treasury, under the denomination of Masses, not said by his majesty's protestant subjects in Canada. Item, commutations for murders, adulteries, rapes, thefts, simple fornication, &c. &c. Item, indulgences, pardons, &c. Item, processions, tapers, incense, wafers

to turn into the *Bon Dieu*, lambs to represent the Immaculate Saviour, jewels, laces, hoops and cloths, in the newest fashion, for the Blessed Virgin; to which must be added, the necessary expences of her Ladyship's *friseur*, under which article will fall powder, pomatum, paint and patches, all of which *righteous* and *pious* articles are to furnish a fund for the raising and supporting a protestant church in Canada.

Our Saviour said, alluding to himself, "upon this rock," that is upon this mass of virtue and piety, will I build my church, and the gates of Hell shall not prevail against it. But we, as is not fearful of the gates of Hell, but those of Heaven, build our church not upon a rock of virtue and piety, but upon idolatry, murders, adulteries, fornication, thefts, impudent mockeries of the supreme being, and his immaculate son; thereby setting Heaven at defiance, by laying our foundation in Hell. But how weak and wicked all human endeavours are, when opposed to the will of the *omnipotent*, the founders and supporters of this bill, like those of Babel will evince; the labours of the latter being multiplied, and the work retrograde; their language confounded, and themselves scattered abroad upon the face of the earth. They had for their monarch the mighty hunter Nimrod; whether then our modern Nimrod ha

had more success in Westminster, than his brother in the plains of Shinar, the bill will inform us.

" It enacts that the Romish clergy of the church of Canada, may hold, receive, and enjoy their accustomed dues and rights, with respect to such persons *only* as shall profess the said religion."

" Provided nevertheless that, it shall be lawful for his majesty, his heirs, or successors, to make such provision out of the rest of the said accustomed dues and rights for the encouragement of the protestant religion, and the maintenance and support of a protestant clergy within the said province, as he or they shall from time to time think necessary and expedient."

The act by establishing that the Romish clergy may hold, receive, and enjoy their accustomed dues and rights, with respect to such persons *only* as shall profess their religion, does in fact declare, that there no longer exists any dues and rights of the Romish clergy's, save those of their own religion. If not then of the Romish clergy, there exists none at all, consequently, *ex nihilo nil fit*, there can be no rest.

But the idea of rest, or superfluous dues and rights is exceedingly absurd, and of this bill's creation, because it supposes that the Romish clergy had, subsequent to the capitulation, and prior to this act, a legal title to those dues and rights;

whereas the reverse of this must appear from general Amherst's answer to that article of the capitulation which demands an establishment for the Romish clergy.---His answer was---"*that it must depend upon the king's pleasure.*" And as they acquiesced and were satisfied with this answer, it of course took away the former right, and the people were left to their own free choice, whether they would, or would not pay their priests; because the king's pleasure, whether for or against the establishment, was in no manner to impede, or effect the *grand objects*—the surrender or capitulation of Canada; which consequently having no dependance upon the event of the king's will, were full and compleat without its manifestation.

Hence must appear how weak and groundless (if not foul) was the joint report of the *advocate, attorney and solicitor-general*, to the privy council, in January 1768, viz. "that the king
" could not exempt the protestant inhabitants from
" paying tithes to the persons legally" an abused term here, "entitled to demand them from the
" Roman Catholics in Canada."

And hence also must appear, that the provisions in this bill for the Romish priests are *null*, and can have no legal effect; and that the Canadians are still left to their own discretion and choice, whether they will pay tithes, &c. or not.

Because

Because this part of the bill is founded on a supposition, that the priests had an immediate prior right to all taxes under the denomination of *accustomed dues and rights*; whereas if (as I think I have demonstrated) that this legal right did not exist, then the bill did not grant any thing. Wherefore the people, whether protestants or Romanists, may say to the reverend tax-gatherers, "we will not pay you any thing in compliance with this act, because what we paid you since the capitulation were neither dues or rights, but a benevolence, or free gift; as you had no law whereby to compel payment, and consequently no right; *all right being derived from law.*"

You say, "the best distinction you know between establishment and toleration is, that the greater number has a right to the one, and the less to the other." This is a salutary doctrine, and I suppose thrown out to prepare us for a similar bill, in order to *quiet* the minds of his majesty's protestant subjects of Ireland.

You charge lord Chatham with having asserted "that the bill was intended to raise a strength in Canada, in order to intimidate other parts of America: and then that the bill was injurious to the Canadians." The first part of this charge you leave as you found it, thereby shewing some modesty; as I suppose you knew that the bloody orders

orders which were dispatched for immediately arming the Popish Canadians, and for marching them down against our protestant brethren in America, could not be long concealed. With respect to the last, "that the bill was injurious to the Canadians," I presume it to be as clearly demonstrated as any proposition in *Euclid*.

You say, that in France there is "a fluctuation in the administration of justice, that property is unfixed, parliaments banished, and letters de cachet issued," and yet "the law is free," why? because "Tacitus asserts it to have been so," seventeen hundred years ago, and because "Philip the Fair demolished it in the 13th century," see page 30, 31.—You are a most singular logician; and as good an historian, the despotism of France not having taken place till the beginning of the 15th century; the first and most fatal blow being given by Lewis the XIth, (see Philip de Comines) who also relates, that in order to remedy the grievances, and mischiefs under which the kingdom laboured, the annual general council, or three estates assembled, chose thirty-six out of their body with regal authority, and that Lewis gave his royal word that whatsoever those thirty-six men should appoint to be done, he would ratify and confirm.—How did he observe this promise? as the citizens and nine tenths of the kingdom tell you *their king observes*
his

his coronation oath, his proclamations, &c. &c. the consequence of the first was a bloody civil war, which lasted thirteen years : the consequence of the last must be either a total change of measures, a revolution, or both.

Now sir, as French laws have been held up with mighty praises by all the *king's friends*, particularly by a gentleman, who has appeared in the public prints, under the signature of Palinurus, and who, I am informed, is of a degree not inferior to the *attorney-general*, I shall for their *satisfaction*, and the edification of this last learned gentleman, mention the sentiments of a Frenchman, William Budæus, who on account of his great knowledge, was called the *very learned Budæus*, with which quotation, I shall for the present take my leave. He begins with Juvenal, *quondam hoc indigenæ vivebant more!*—"so may I exclaim, that in old times, "when this kingdom flourished," (as may appear by our money coined of pure gold,) "there was "a plain and easy way of doing justice; there "were few law-suits, and those not of long continuance, or indeed *eternal*, as *now* they are; "for then this rabble rout of pretended interpreters of the law had not invaded the public: neither was the science of the law stretched "out to such an unlimited extent; but truth and "equity, and a prudent judge, endued with integrity

“tegrity and innocence, was of more worth than
 “six hundred volumes of law books: but how to
 “what a sad condition things are brought, every
 “one sees, but nobody dares speak out.”

7 *Nemo est iam stultus qui non intelligat, si dormierimus hoc tempore, non modo crudelem & superbam Dominationem nobis sed & ignominiosam & flagitiosam esse ferendam.*

F I N I S.

E R R A T A.

Page 9, last line, for “by a secret pernicious influence,” read “by the pernicious advice of the earl of Bute.”

Page 21, line 7, for “in the purchase of you,” read “in the procuring of you.”

Page 21, line 17, for “sure,” read “surer.”

Page 21, line 26, after “coin,” read “&c.”

Page 28, line 2, for “experienced,” read “unprejudiced.”

Page 34, line 13, for “quamvis,” read “quam is.”

